

REMARKS

Claims 20 to 37, 39 to 51, 53, and 54 were previously pending in this application. By this amendment, Applicant is canceling claim 20 without prejudice or disclaimer. Claims 37 and 43 have been amended. New claims 55 to 57 have been added. As a result claims 21 to 37, 39 to 51, and 53 to 57 are pending for examination. No new matter has been added.

Summary of Telephone Conference with Examiner

Applicant thanks the Examiner for the telephone conference of May 8, 2003 in which the Protiva reference was briefly discussed.

Claim Objections

The Examiner has indicated that claims 46 to 51, 53, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants have not chosen to rewrite these claims in independent form at this time, but reserve the right to do so.

Rejection under 35 U.S.C. §112

Claim 37 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 37 has been amended to remove the word "derivatives" to overcome this rejection.

Claim 43 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 43 has been amended to remove the language "such as." New claims 55 to 57, dependent on claim 43, have been added to recite the particular medicaments that were recited in claim 43 before the amendment. New claims 55 to 57 find full support in original claim 43.

Accordingly, withdrawal of the rejection of claims 37 and 43 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Rejections Under 35 U.S.C. §102

Claim 20 was rejected under 35 U.S.C. §102(b) as being anticipated by Protiva, *et al.*, CZ 105,590. Applicants have canceled claim 20. Accordingly, the rejection is moot and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 44 and 45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Protiva, *et al.*, CZ 105590 (hereinafter Protiva).

Protiva teaches 2-[(phenylmethyl)thio]-benzoyl chloride]. Applicants do not believe that 2-[(phenylmethyl)thio]-benzoyl chloride] falls within the generic formula of compounds described in claims 44 and 45. Specifically, the acyl chloride group in the 2 (ortho) position of the Protiva compound is not encompassed by the description of R₆ recited in claims 44 and 45. Accordingly, Applicants believe that claims 44 and 45 are not rendered obvious by Protiva.

Accordingly, withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that claims 21 to 37, 39 to 43, 46 to 51, 53, and 54 are free of the prior art of record.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee

occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Ahmed S. Mehanna et al., Applicant

By: 

Helen C. Lockhart, Reg. No. 39,248
Stephen R. Finch, Reg. No. 42,534
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. M00966.70001.US

Date: July 22, 2003

x07/24/03x

MARKED-UP CLAIMS

Claim 20 has been canceled without prejudice or disclaimer.

Claims 37 and 43 have been amended as follows:

37. (Amended) The method of claim 36, wherein the medicament is selected from the group consisting of Ajmaline; γ -Aminobutyric acid; Alfuzosin Hydrochloride; Alipamide; Althiazide; Amiquinsin Hydrochloride; Amlodipine Besylate ; Amlodipine Maleate; Amosulalol; Anaritide Acetate; [Aryloxypropanolamine derivatives;] Atiprosin Maleate; Belfosdil; Bemitradine; Bendacalol Mesylate; Bendroflumethiazide; [Benzothiadiazine derivatives;] Benzthiazide ; Betaxolol Hydrochloride ; Bethanidine Sulfate; Bevantolol Hydrochloride ; Biclodil Hydrochloride; Bisoprolol; Bisoprolol Fumarate; Bucindolol Hydrochloride; Bupicomide; Bufeniode; Bufuralol; Buthiazide; Candoxatril; Candoxatrilat; Captopril ; [N-Carboxyalkyl derivatives;] Carvedilol ; Ceronapril; Chlorothiazide Sodium; Chlorthalidone; Cicletanine; Ciclasidomine; Cilazapril; Clonidine; Clonidine Hydrochloride; Clopamide ; Cyclopenthiazide; Cyclothiazide; Cyptenamine tannates; Darodipine ; Debrisoquin Sulfate; Delapril Hydrochloride; Diapamide ; Diazoxide; Dilevalol Hydrochloride ; Diltiazem Malate; Ditekiren; Doxazosin Mesylate; Ecadotril; Enalapril Maleate; Enalaprilat; Enalkiren; Endralazine Mesylate; Epithiazide ; Eprosartan; Eprosartan Mesylate; Fenoldopam Mesylate ; Flavodilol Maleate; Flordipine; Flosequinan; Fosinopril Sodium ; Fosinoprilat; Guanabenz; Guanabenz Acetate; Guanacline Sulfate; Guanadrel Sulfate; Guanazodine; Guancydine; Guanethidine Monosulfate; Guanethidine Sulfate; Guanfacine Hydrochloride; Guanisoquin Sulfate; Guanoclor Sulfate; Guanoctine Hydrochloride; Guanoxabenz; Guanoxan Sulfate; Guanoxyfen Sulfate ; Hydralazine Hydrochloride; Hydrazines and phthalazines; Hydralazine Polistirex; Hydroflumethiazide ; [Imidazole derivatives;] Indocrinone ; Indapamide ; Indolapril Hydrochloride; Indoramin; Indoramin Hydrochloride; Indorenate Hydrochloride; Ketanserin; Labetalol; Lacidipine; Leniquinsin; Levcromakalim ; Lisinopril; Lofexidine Hydrochloride; Losartan Potassium; Losulazine Hydrochloride; Mebutamate; Mecamylamine Hydrochloride; Medroxalol; Medroxalol Hydrochloride; Methalthiazide ; Methyclothiazide ; Methyldopa; Methyldopate Hydrochloride; Methyl 4 pyridyl ketone thiosemicarbazone; Metipranolol;

Marked-Up Claims

Metolazone ; Metoprolol Fumarate; Metoprolol Succinate ; Metyrosine; Minoxidil ; Monatepil Maleate ; Muzolimine ; Nebivolol; Nitrendipine; Oforpine; Pargyline Hydrochloride; Pazoxide; Pelanserin Hydrochloride ; Perindopril Erbumine; Pempidine; Piperoxan; primaperone; Protoveratrines; Raubasine; Rescimetol; Rilemenidene; Pronethalol; Phenoxybenzamine Hydrochloride; Pinacidil; Pivopril; Polythiazide ; Prazosin Hydrochloride; Primadol ; Prizidilol Hydrochloride; Quaternary Ammonium Compounds; [Quinazoline derivatives;] Quinapril Hydrochloride ; Quinaprilat ; Quinazosin Hydrochloride; Quinelorane Hydrochloride ; Quinpirole Hydrochloride; Quinuclium Bromide; Ramipril ; Rauwolfia Serpentina; Reserpine; Saprissartan Potassium; Saralasin Acetate; Sodium Nitroprusside; Sotalol; Sulfinalol Hydrochloride; [Sulfonamide derivatives;] Tasosartan; Teludipine Hydrochloride ; Temocapril Hydrochloride; Terazosin Hydrochloride; Terlakiren; Tiamenidine; Tiamenidine Hydrochloride; Ticrynafen ; Tinabinol; Tiodazosin; Tipentosin Hydrochloride; Trichlormethiazide ; Trimazosin Hydrochloride; Trimethaphan Camsylate; Trimoxamine Hydrochloride; Tripamide; Tyrosinase; Urapidil; Xipamide; Zankiren Hydrochloride; and Zofenoprilat Arginine.

43. (Amended) The method of claim 42, wherein the medicament is selected from the group consisting of sodium channel blockers, [such as quinidine, procainamide, disopyramide, moricizine, lidocaine, mexiletine, phenytoin, tocainide, encainide, flecainide, propafenone, indecainide;] β -adrenergic blockers, [such as propranolol, acebutolol, esmolol;] and compounds that prolong repolarization[, such as amiodarone, bretylium, sotalol; Acebutol, Acecaine, Adenosine, Ajmaline, Alprenolol, Amiodarone, Amoproxan, Aprindine, Arotinolol, Atenolol, Bevantolol, Bretylium Tosylate, Bubumolol, Bufetolol, Bunaftine, Bunitrolol, Bupranolol, Butidrine Hydrochloride, Butobendine, Capobernic Acid, Carazolol, Carteolol, Cifenline, Cloranolol, Gallopamil, Indenolol, Ipratropium Bromide, Lorajmine, Lorcainide, Meobentine, Metipranolol, Mexiletine, Nifenalol, Oxprenolol, Penbutolol, Pindolol, Pirmenol, Practolol, Prajmaline, Pronthalol, Pyrinoline, Quinidine Sulfate, Quinidine, Sotalol, Talinolol, Timolol, Tocainide, Verapamil, Viquidil and Xibenolol].